

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JAZMEN PETERSON, et al.,

:

Plaintiffs,

Case No. 3:13 -cv-187

v.

:

NORTHEASTERN LOCAL  
SCHOOL DISTRICT, et al.,

JUDGE WALTER H. RICE

Defendants.

:

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ENTRY SUSTAINING DEFENDANTS' AMENDED MOTION TO COMPEL  
DISCOVERY (DOC. #48), ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (DOC. #62),  
AND SUSTAINING PLAINTIFFS' OBJECTION TO SAID JUDICIAL  
FILING (DOC. #64); ORDER TO PLAINTIFFS

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Pending before the Court is the Amended Motion to Compel Discovery (Doc. #48) filed by Defendants Louis A. Kramer, John Hill, and Allyson Teusik ("Defendants"), seeking an order that compels Plaintiffs Jazmen Peterson and Dameka Cunigan ("Plaintiffs") to produce a number of discovery documents that are relevant to Plaintiffs' claims. Plaintiffs assert that these documents have either already been provided or do not exist. The matter was referred to Chief United States Magistrate Judge Sharon L. Ovington, who has filed a Report and Recommendations recommending that the Court sustain Defendants' Amended Motion to Compel Discovery. Doc. #62. The Court agrees with the Magistrate Judge's conclusion that Defendants were justified in filing such a motion under

Fed. R. Civ. P. 37(a)(3), because many of Plaintiffs' responses to Defendants' discovery requests did not constitute proper objections under Fed. R. Civ. P. 34(b)(2).

Plaintiffs have filed an Objection to the Report and Recommendations, but only "to the extent that it does not specify a specific time" for complying with the recommended order therein. Doc. #64. Plaintiffs' attorney requests that he be given until October 16, 2015, to comply. This request is reasonable. The Objection is, therefore, SUSTAINED.

Based upon the reasoning and citations set forth in the Report and Recommendations (Doc. #62), as well as upon a thorough *de novo* review of the record and the applicable law, the Court adopts the conclusions and recommendations therein. Accordingly, Defendants' motion (Doc. #48) is SUSTAINED, and Plaintiffs are ORDERED as follows:

- 1) Plaintiffs are ordered to produce all documents in their possession, custody, or control that are in any the categories of documents described in the Report and Recommendations;
- 2) If no responsive documents exist, Plaintiffs shall submit an affidavit to Defendants' counsel certifying that they have completed a reasonable inquiry into locating and producing responsive documents. Plaintiffs shall

also disclose in the affidavit the particular parameters of their searches and the details of the steps they took to locate responsive documents;

3) Plaintiffs are ordered to show cause why they should not be required to pay Defendants' costs pursuant to Federal Rule of Civil Procedure 37(a)(5).

Plaintiffs must comply with this ORDER by October 16, 2015.

Date: September 30, 2015

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE